



MIKE PENCE, *Governor*  
JAMAL L. SMITH, *Executive Director*

ICRC NO.: HOha14090702  
[REDACTED]

JAMAL L. SMITH, in his official capacity as  
EXECUTIVE DIRECTOR of the  
INDIANA CIVIL RIGHTS COMMISSION,  
Complainant,  
v.

PEDCOR MANAGEMENT,  
Respondent,

NOTICE OF FINDING and  
ISSUANCE OF CHARGE

The Executive Director of the Indiana Civil Rights Commission ("Commission") pursuant to statutory authority and procedural regulations, hereby issues the following finding with respect to the above-referenced case. Reasonable cause exists to believe that an unlawful discriminatory practice occurred in this instance. A Charge is therefore issued in accordance with 910 IAC 2-6-6(b).

On September 5, 2014, [REDACTED] ("Complainant") filed a Complaint with the Commission against Pedcor Management ("Respondent") alleging discriminatory housing practices on the basis of disability in violation of the Indiana Fair Housing Act (Ind. Code § 22-9.5, *et seq.*), the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) and the Federal Fair Housing Act (42 U.S.C. § 3601 *et seq.*) The Commission, therefore, has jurisdiction over the parties and the subject matter of this Complaint.

A Commission investigation has been completed. All parties have been interviewed and have had an opportunity to submit evidence. Based on the final investigative report and a full review of the relevant files and records, the Executive Director now finds the following:

The issue before the Commission is whether Respondent denied Complainant's request for a reasonable accommodation. In order to prevail on such a claim, Complainant must show that 1) he suffers from a disability as defined by the Fair Housing Laws; 2) Respondent knew of Complainant's disability; 3) Complainant requested a reasonable accommodation; and 4) Respondent denied or unreasonably delayed Complainant's request for an accommodation.

It is evident that Complainant has a disability as defined under the law and that Respondent was aware of Complainant's disability. Moreover, there is no dispute that Complainant



requested a reasonable accommodation; however, Respondent unreasonably delayed and subsequently denied Complainant's request.

By way of background and at all times relevant to the Complaint, Respondent maintained a policy where tenants requesting a reasonable accommodation had to complete a "Request for Reasonable Accommodation Request Form." Additionally, in the event the request involves transfer to another unit, the tenant had to complete a "Request for In-House Transfer" form and pay a deposit. During the course of Complainant's tenancy with Respondent, he developed an impairment that necessitated the need for a reserved parking space and a first floor apartment. There is no dispute that Complainant requested the accommodations from Respondent and provided doctor's statements supporting his request; however, Respondent asserts that Complainant never completed the required accommodation paperwork necessary to approve his request. While Respondent has provided the parking space and permitted Complainant to transfer to a first-floor unit since the filing of the instant Complaint, Respondent has refused to waive or enter into an interactive dialogue regarding the deposit fee required of tenants who desire to transfer to another apartment.

Despite Respondent's assertions, its failure to waive the deposit fee or enter into an interactive dialogue regarding the deposit fee constitutes a discriminatory practice under the applicable laws. Specifically, a request for an alteration of policy, in this case, the waiver of a deposit to transfer to a first-floor unit because of a disability, constitutes a request for a reasonable accommodation under the law. Simply stated, Respondent's failure to waive or enter into an interactive dialogue regarding the fee may constitute a violation of the applicable laws; as such and based upon the aforementioned, reasonable cause exists to believe that a violation of the laws occurred as alleged.

A public hearing is necessary to determine whether a violation of the Indiana Fair Housing Act, the Indiana Civil Rights Law, and/or Title VIII of the Civil Rights Act of 1968, as amended, occurred in the aforementioned case. As permitted by 910 IAC 2-6-6(h), Respondent, Complainant, or any other aggrieved person on whose behalf the Complaint is filed may elect to have the claims asserted in a civil action under Ind. Code § 22-9.5-6-12 in lieu of an administrative proceeding under 910 IAC 2-7. In the event the parties seek to pursue such an election, it must be made not later than twenty (20) days after the receipt of service of this Notice of Finding and Charge. The notice of any such election must be filed with the Commission and served on the Director, the Respondent, and Complainant in accordance with 910 IAC 2-6-6. If such an election is not timely made, the administrative proceedings initiated by the Charge will continue as scheduled. 910 IAC 2-6-6. Moreover, the Respondent shall have an opportunity to file an answer to this charge within thirty (30) days of service of this Charge. Tracy Jones and any other person aggrieved by this alleged discriminatory practice may participate as a party in the hearing by filing a request for intervention. All discovery in this matter must be completed fifteen (15) days prior to the date of hearing. If at any time following service of this charge Respondent intends to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the

subject of this charge, Respondent must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3).

December 3, 2014

Date

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Jamal L. Smith  
Executive Director  
Indiana Civil Rights Commission